



Express Mail No. EV 456 921 479 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Albone *et al.*

Confirmation No.: 9476

Application No.: 10/687,035

Group Art Unit: 1632

Filed: October 15, 2003

Examiner: Goddard, Laura B.

For: ANTIBODIES THAT BIND CELL-
ASSOCIATED CA 125/O772P AND
METHODS OF USE THEREOF

Attorney Docket No.: 6750-214-999

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
PO BOX 1450
Alexandria, Virginia 22313-1450

Sir:

The following remarks are made in response to the restriction requirement mailed January 11, 2006, for the above-identified patent application.

In the restriction requirement, the Patent Office requires that Applicant elect one of Groups I to VI for further prosecution. Applicant elects Group I (Claims 1-26, 28-46, 49-77, 103-112, 116, 118 and 119), with traverse.

The Patent Office requires that Applicant elect an antibody species for searching purposes and that Applicant elect a heavy and light chain variable region corresponding to the elected antibody species. Applicant elects species 776.1. Claims readable on the elected species include claims 1-4, 7, 12-15, 25-28, 32, 38, 44, 49-51, 56, 63-77, 103-112, 116, 118 and 119. The antibody light and heavy chains associated with species 776.1 are SEQ ID NO:33 and SEQ ID NO:34, respectively (claims 32, 38 and 44).

Pursuant to 37 C.F.R. §1.143, Applicant requests reconsideration and withdrawal of the restriction requirement between Group I and Group II. For a restriction to be proper, there must be a serious burden on the Examiner. MPEP § 803. Applicant respectfully submits that there would be no serious burden on the Examiner were Group II to be joined with elected Group I. Not only are Group I and Group II classified in the same class and subclass, but

claim 27, which constitutes Group II, depends from claim 26 in Group I. Since claim 27 includes all the limitations of claim 26, any search concerning the limitations of claim 26 is relevant to those of claim 27. Nor has the Patent Office stated that it would constitute a serious burden to include both groups together for prosecution. Indeed, the restriction requirement dated January 11, 2006, does not provide a rationale for separating Group I and Group II. It is respectfully requested that the restriction requirement between Group I and Group II be reconsidered and withdrawn.

Applicants believe that the foregoing fully responds to the restriction requirement and that the instant application is in condition for substantive review on the merits.


Enclosed herewith is a Petition for Extension of Time for one month.

Applicants fully reserve the right to pursue non-elected subject matter in one or more later filed divisional, continuation, or continuation-in-part applications.

No fee is believed to be due with this paper. However, the Commissioner is hereby authorized to charge any required fee to Jones Day deposit account No. 50-3013 (referencing no. 305158-999212). A copy of this sheet is enclosed.

Respectfully submitted,

Date March 6, 2006



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